

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA FOURTH DIVISION

In re:

WILLIE L CUMMINGS, JR
TERESA A CUMMINGS

MODIFIED
CHAPTER 13 PLAN

Dated: March 15, 2012

DEBTOR

Case No. 12-40472

*In a joint case,
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- As of the date of this plan, the debtor has paid the trustee \$ 0.00 .
- After the date of this plan, the debtor will pay the trustee \$350.00 per month for 13 months beginning February 2012 for a total of \$4,550.00; **then** \$217.00 per month for 2 months beginning March 2013 for a total of \$434.00; **then** \$261.00 per month for 4 months beginning May 2013 for a total of \$1,044.00; **then** \$480.00 per month for 7 months beginning September 2013 for a total of \$3,360.00; **then** \$579.00 per month for 4 months beginning April 2014 for a total of \$2,316.00; **then** \$612.00 per month for 15 months beginning August 2014 for a total of \$9,180.00; **then** \$765.00 per month for 15 months beginning November 2015 for a total of \$11,475.00.
The minimum plan payment length is 36 or X 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- The debtor will also pay the trustee - **The debtors shall send the Trustee each year during the Chapter 13 Plan copies of their federal and state income tax returns at the time they are filed. The debtors shall also promptly report to the Trustee the receipt of any state and federal tax refunds for the duration of this Chapter 13 case and shall be entitled to retain the first \$2,000.00 plus any earned income credit (EIC). Any remaining amounts shall be turned over to the Chapter 13 plan as additional plan payments.**
- The debtor will pay the trustee a total of \$ 32,359.00 [line 1(a) + line 1(b) + line 1(c)].

- PAYMENTS BY TRUSTEE** — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 3,235.00 , [line 1(d) x .10].

- ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)]** — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
-NONE-	\$		\$
a. TOTAL			\$ 0.00

- EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365]** — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
-NONE-	

- CLAIMS NOT IN DEFAULT** — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Property
a. Fifth Third Bank	2007 Mazda CX-7
b. Green Tree	Homestead
c. Nationstar Mortgage	Homestead
d. Volkswagon Credit	2006 Volkswagen Passat

- HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)]** — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-	\$	\$			\$
a. TOTAL					\$ 0.00

7. **CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)]** — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-	\$	\$				\$
a. TOTAL						\$ 0.00

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts) x (No. of Pmnts)	= Pmnts on Account of Claim	+ (Adq. Prot. from ¶ 3)	= TOTAL PAYMENTS
-NONE-	\$	\$			\$	\$	\$	\$
a. TOTAL								\$ 0.00

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 3,000.00	\$ 315.00	1	10	\$ 3,000.00
b. Domestic Support	\$	\$			\$
c. Internal Revenue Service	\$	\$			\$
d. Minn Dept of Revenue	\$	\$			\$
e. TOTAL					\$ 3,000.00

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: -NONE-. The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-						\$
a. TOTAL						\$ 0.00

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 26,124.00 [line 1(d) minus lines 2, 6(a), 7(a), 8(a), 9(b) and 10(a)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 42,349.00*.
- c. Total estimated unsecured claims are \$ 42,349.00* [line 11(a) + line 11(b)].

12. **TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. **OTHER PROVISIONS** — The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

FINANCIAL ONE CREDIT UNION: Debtor is surrendering the 2008 Yamaha motorcycle to the Creditor in full satisfaction of the secured claim. Creditor shall be allowed an unsecured claim for the deficiency balance owed.

* The debtor will pay the student loans direct to Sallie Mae or its assigns. The student loan balances are not included in the total estimated unsecured claims in #11b and 11c.

14. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$	3,235.00
Home Mortgage Defaults [Line 6(a)]	\$	0.00
Claims in Default [Line 7(a)]	\$	0.00
Other Secured Claims [Line 8(a)]	\$	0.00
Priority Claims [Line 9(b)]	\$	3,000.00
Separate Classes [Line 10(a)]	\$	0.00
Unsecured Creditors [Line 11]	\$	26,124.00
TOTAL [must equal Line 1(d)]	\$	32,359.00

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Robert J. Hoglund 210997
Hoglund, Chwialkowski & Mrozik P.L.L.C
1781 West County Road B
PO Box 130938
Roseville, MN 55113
(651) 628-9929
210997

Signed /s/ WILLIE L CUMMINGS, JR
WILLIE L CUMMINGS, JR
DEBTOR

Signed /s/ TERESA A CUMMINGS
TERESA A CUMMINGS
DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Bkry Case No: 12-40472

Willie L. Cummings, Jr.

Chapter 13

and

Teresa A. Cummings

Debtor(s).

NOTICE OF FILING MODIFIED CHAPTER 13 PLAN PRIOR TO CONFIRMATION

TO: ALL PARTIES IN INTEREST

PLEASE TAKE NOTICE that the debtor(s), pursuant to Local Rule 3015-2(a) have filed the attached modified the Chapter 13 Plan. The Hearing on Confirmation of the Modified Plan is scheduled for April 19, 2012 at 10:30 a.m. in United States Bankruptcy Court, Courtroom 8 West, Eighth Floor, 300 South Fourth Street, Minneapolis, Minnesota.

Any objection to this Modified Plan must be served by delivery not later than 24 hours prior to the time and date set for the confirmation hearing or mailed not later than three days prior to the date set for the confirmation hearing.

Dated: March 27, 2012

HOGLUND, CHWIALKOWSKI & MROZIK, PLLC

Signed: /e/ Robert J. Hoglund

Robert J. Hoglund #210997

Keith Chwialkowski #210134

Marie F. Martin #287040

Jeffrey J. Bursell #293362

Kristen M. Whelchel #339866

Andrea L. Cobery #350266

Jay M. Halverson #311054

Attorney for Debtor(s)

1781 West County Road B

P.O. Box 130938

Roseville, Minnesota 55113

Telephone Number: (651) 628-9929

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bkry Case No: 12-40472

Willie L. Cummings, Jr.

Chapter 13

and

Teresa A. Cummings

UNSWORN CERTIFICATE

Debtor(s).

OF SERVICE

I, Rhonda L. Juneski, employed by Hoglund, Chwialkowski & Mrozik, PLLC, attorneys licensed to practice law in this Court, with office address of 1781 West County Road B, Roseville, Minnesota 55113, declare that on March 27, 2012, I served the Modified Chapter 13 Plan and Notice of Filing Modified Plan Prior to Confirmation to each of the entities named below:

E-Notice Only:

Jasmine Z. Keller
Trustee in Bankruptcy
12 South Sixth St., #310
Minneapolis, Minnesota 55402

United States Trustee
1015 United States Courthouse
300 South Fourth Street
Minneapolis, Minnesota 55415

By first class mail postage prepaid addressed to each of the entities as follows:

Willie L. Cummings, Jr.
Teresa A. Cummings
10660 Juniper Street Northwest
Coon Rapids, Minnesota 55448

And to all creditors/parties in interest listed on matrix (see attached)

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: March 27, 2012

Signed: /e/ Rhonda L. Juneski
Legal Assistant

AAA FINANCIAL SERVICES
PO BOX 851001
DALLAS TX 75285-1001

AAA FINANCIAL SERVICES
PO BOX 15026
WILMINGTON DE 19850-5026

BANK OF AMERICA
PO BOX 851001
DALLAS TX 75285-1001

BANK OF AMERICA
PO BOX 15026
WILMINGTON DE 19850-5026

BEST BUY
HSBC RETAIL SERVICES
PO BOX 5238
CAROL STREAM IL 60197-5238

BEST BUY
HSBC RETAIL SERVICES
PO BOX 15524
WILMINGTON DE 19850

DISCOVER CARD
PO BOX 6103
CAROL STREAM IL 60197-6103

DISCOVER CARD
PO BOX 30943
SALT LAKE CITY UT 84130-0943

DISCOVER FINANCIAL SERVICES
PO BOX 6103
CAROL STREAM IL 60197-6103

FIFTH THIRD BANK
PO BOX 598
AMELIA OH 45102

FIFTH THIRD BANK
PO BOX 630778
38 FOUNTAIN SQ PLAZA
CINCINNATI OH 45263-0778

FINANCIAL ONE CREDIT UNION
843 40TH AVE NE
COLUMBIA HEIGHTS MN 55421

GE CAPITAL RETAIL BANK
PO BOX 960061
ORLANDO FL 32896-0061

GE CAPITAL RETAIL BANK
ATTN BANKRUPTCY DEPT
PO BOX 103104
ROSWELL GA 30076

GREEN TREE
PO BOX 94710
PALATINE IL 60094-4710

GREEN TREE
BANKRUPTCY DEPT
PO BOX 6154
RAPID CITY SD 57709

HOME DEPOT
PO BOX 653000
DALLAS TX 75265-3000

HOME DEPOT CREDIT SERVICES
PO BOX 182676
COLUMBUS OH 43218-2676

MENARDS
HSBC RETAIL SERVICES
DEPT 7680
CAROL STREAM IL 60116-7680

MENARDS
HSBC RETAIL SERVICES
PO BOX 15521
WILMINGTON DE 19850-5521

NATIONSTAR MORTGAGE
PO BOX 650783
DALLAS TX 75265-0783

SALLIE MAE
PO BOX 9500
WILKES BARRE PA 18773-9500

VOLKSWAGEN CREDIT
PO BOX 0549
CAROL STREAM IL 60132

VOLKSWAGEN CREDIT
PO BOX 17497
BALTIMORE MD 21297-1497

VOLKSWAGEN CREDIT
PO BOX 3
HILLSBORO OR 97123

WELLS FARGO CARD SERVICES
PO BOX 6412
CAROL STREAM IL 60197-6412

WELLS FARGO CARD SERVICES
PO BOX 9210
DES MOINES IA 50306

Discover Bank
DB Servicing Corporation
PO Box 3025
New Albany, OH 43054-3025

Wells Fargo Bank, NA
1 Home Campus, 3rd Floor
Des Moines, IA 50328

FIA Card Services, NA
PO Box 15102
Wilmington, DE 19886-5102

Fifth Third Bank
9441 LBJ Freeway, Suite 350
Dallas, TX 75243

Financial One Credit Union
11465 Robinson Drive
Coon Rapids, MN 55433

AES/PHEAA
PO Box 8147
Harrisburg, PA 17105

HSBC Bank Nevada, NA
c/o Bass & Associates, PC
3936 E. Ft. Lowell Road, Suite #200
Tucson, AZ 85712

Minnesota Department of Revenue
Bankruptcy Section
PO Box 64447
St. Paul, MN 55101

Green Tree Servicing, LLC
PO Box 0049
Palatine, IL 60055-0049

Sallie Mae Trust
c/o Sallie Mae, Inc.
220 Lasley Avenue
Wilkes-Barre, PA 18706

Willie L. Jr. and Teresa A. Cummings
10660 Juniper Street Northwest
Coon Rapids, MN 55448

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

In re:

Bankruptcy Case Number: 12-40472

Willie L. Cummings, Jr.

and

SIGNATURE DECLARATION

Teresa A. Cummings

Debtor(s).

- () PETITION, SCHEDULES & STATEMENTS
 () CHAPTER 13 PLAN
 () SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION
 () AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
 (X) MODIFIED CHAPTER 13 PLAN/MOTION FOR HEARING
 () OTHER: (Please describe)

(X) **VERIFICATION:** I (we), Willie L. Cummings, Jr.... and Teresa A. Cummings, debtor(s) named in the attached documents, declare under penalty of perjury that the foregoing is true and correct.

[We] Willie L. Cummings, Jr.... and Teresa A. Cummings, the undersigned debtor(s) or authorized individual, **hereby declare under penalty of perjury** that the information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct. I consent to my attorney electronically filing my petition, a scanned image of this declaration, statements, and schedules, amendments, and/or chapter 13 plan, as indicated above, with the United States Bankruptcy Court. I understand that a scanned image of this declaration is to be converted to PDF, and either inserted as the last page in the electronic submission or electronically submitted within five days after the above-named document have been electronically submitted.

[] If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under Chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

[] If petitioner is a corporation or partnership] I declare under penalty of perjury that the information provided in the petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Date: 3/19/12

Willie L. Cummings Jr.
 Signature of Debtor or Authorized Individual

Willie L. Cummings, Jr..

Printed Name of Debtor or Authorized Individual

T. Cummings
 Signature of Joint Debtor

Teresa A. Cummings

Printed Name of Joint Debtor

HOGLUND, CHWIALKOWSKI & MROZIK, PLLC

Signed: /s/ Robert J. Hoglund

Robert J. Hoglund #210997

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